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8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**

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11 *In re Wells Fargo Mortgage Discrimination
Litigation.*

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Case No. 3:22-cv-00990-JD

Honorable James Donato

**DECLARATION OF DENNIS S. ELLIS
WITH SUPPORTING EVIDENCE IN
SUPPORT OF PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION**

[Plaintiffs' Notice of Motion and Motion for Class Certification; Memorandum of Points and Authorities in Support; Declarations of Amanda Kurzendoerfer, Michael Wallace, Leana Golubchik, Dante Jackson, and [Proposed] Order filed concurrently herewith]

DECLARATION OF DENNIS S. ELLIS

I, Dennis S. Ellis, declare and state as follows:

1. I am an attorney at law, duly admitted to practice before this Court and all courts of the State of California. I am a partner with Ellis George LLP, interim lead for Plaintiffs in this matter. (ECF No. 111.) This declaration is being made in support of Plaintiffs' Motion for Class Certification ("Motion"). Except as otherwise stated, I make this declaration based on personal knowledge, and if called to do so, I could testify competently to the information set forth below.

8 2. Over the course of litigation, my colleagues accessed the public Home Mortgage
9 Disclosure Act Data (“HMDA”) available via the Consumer Financial Protection Bureau
10 (“CFPB”) website. Through this data, my colleagues at my direction determined that Wells Fargo
11 did not originate more mortgage loans to Black Americans than mortgage companies, Rocket
12 Mortgage (formerly, “Quicken Loans”) or Loan Depot, between 2018 and 2022 (the “Class
13 Period”).

14 3. In fact, my colleagues discovered that Wells Fargo was the biggest denier of
15 mortgage loans to the Black community during the Class Period, denying approximately 73,894
16 such loans according to HMDA data.

17 4. As Interim Lead Counsel, I speak with many of the named Plaintiffs in this matter
18 regularly. Named plaintiff, Aaron Braxton, informed me that on December 5, 2023, Wells Fargo
19 sent Mr. Braxton a check in the amount of \$200 as a reimbursement (and acknowledgement) of
20 the fees Mr. Braxton was forced to pay.

21 5. As Interim Lead Counsel, my colleagues and I and Plaintiffs' counsel identified in
22 the Court records, reviewed the documents produced by Wells Fargo in this matter. Through these
23 documents, I learned that Wells Fargo maintains detailed records of mortgage loan applications,
24 including details such as whether the applicants were approved by Fannie Mac or Freddie Mac's
25 automated underwriting system ("AUS"), the race of the applicant, and numerous factors weighing
26 on creditworthiness of the applicant.

27 6. In response to Plaintiffs' document requests, Wells Fargo produced approximately
28 160,000 documents totaling 246.61 GB of information and approximately 11,053 additional data

1 files of its CORE and nonpublic HMDA data, among others, totaling approximately 29.6 GB of
 2 raw data. The parties have also deposed 42 witnesses, 26 of whom were deposed by Plaintiffs,
 3 while having identified more than 400 deposition exhibits thus far. Wells Fargo took the
 4 remaining depositions, including the named Plaintiffs and those identified as Typicality Plaintiffs
 5 in the Complaint, with the exception of Michelle Sims who passed away.

6 7. Also as my appointment as Interim Lead Counsel was contested, I was subject to a
 7 rigorous examination of past representations that determined that I do not have any conflicts with
 8 the proposed class.

9 8. On October 19, 2023, I deposed Ms. Knutsen-Smith in Oakland, California near
 10 her office where she headed Wells Fargo's Business Insights & Analytics team, and Dr. Joel
 11 Brodsky, who is central to these issues, is likewise located near this Court in Berkeley, California,
 12 where he heads Wells Fargo's Quantitative Analytics department, according to his public
 13 LinkedIn profile page, which I visited on April 23, 2024.
 14 <https://www.linkedin.com/in/joelbrodsky/>.

15 9. Below is a chart identifying exhibits accompanying this Declaration that Plaintiffs
 16 provide in support of the Motion. The chart generally identifies the exhibit number, provides a
 17 brief description and/or title of the exhibit, and the Bates numbers for the exhibit (if applicable).
 18 True and correct copies of all exhibits described below are attached hereto. The below table also
 19 identifies the attached exhibits' corresponding consecutive page numbers for ease of reference.
 20 Please note that some of the exhibits, particularly deposition transcripts, are partial documents that
 21 exclude some pages and the word indexes and exhibits.

Ex. No.	Description	Page Numbers
4	Wells Fargo's slide deck titled "Risk Engine/GRD Overview" from April 2022, prepared by John Keller, marked as Exhibit 4 in the deposition of Bryan Martinez.	pp. 1-11
12	Declaration of Peter Strawser In Response to Plaintiffs' Motion to Appoint Interim Counsel for a Putative Refinancing Class marked as Exhibit 12 in the deposition	pp. 12-20

	of Peter Strawser.	
16	Wells Fargo's "Non Agency Underwriting Guidelines" marked as Exhibit 16 in the deposition of Peter Strawser with Bates labels WF-00005136-WF-00005538.	pp. 21-424
17	Wells Fargo's "Agency / Conforming Underwriting Guidelines" marked as Exhibit 17 in the deposition of Peter Strawser with Bates labels WF-00002270-WF-00002728.	pp. 425-884
18	Wells Fargo's 2022 Human Rights Statement, marked as Exhibit 18 in the deposition of Peter Strawser.	pp. 885-894
20	Wells Fargo's slide deck titled "2018 Fair Lending Risk Assessment – Wells Fargo Home Equity" prepared in March 2019, marked as Exhibit 20 in the deposition of Peter Strawser with Bates labels WF-00030806-WF-00030815	pp. 895-905
23	Wells Fargo's slide deck titled "Fair Lending Analysis of Wells Fargo Home Mortgage ("WFHM") 2020 Credit Decisions" prepared on February 18, 2022, marked as Exhibit 23 in the deposition of Peter Strawser with Bates labels WF-00035341-WF-00035377.	pp. 906-943
26	Wells Fargo's slide deck titled "Bloomberg Summary – March 2022" prepared on March 13, 2022, marked as Exhibit 26 in the deposition of Peter Strawser with Bates labels WF-00030849-WF-00030870.	pp. 944-966
45	Wells Fargo – Model Development: HL Government Orig. Custom ECS Score last updated on December 8, 2022, and marked as Exhibit 45 in the deposition of Agus Sudjianto with Bates labels WF-00079826-WF-00079929	pp. 967-1071
49	Wells Fargo's slide deck titled "Fair Lending Analyses of Home Lending - Conventional Origination Custom Enhanced Credit Score" from March 24, 2022, prepared by Mary Dee LeMaire and Joel Brodsky and marked as Exhibit 49 in the deposition of Agus Sudjianto	pp. 1072-1089
54	Wells Fargo – Annual Review Report: HL Conventional Orig Custom ECS Score last updated on March 6, 2023, and marked as Exhibit 54 in the deposition of Agus Sudjianto with Bates labels WF-00133157 - WF00133237.	pp. 1090-1171
55	Bloomberg Article titled "Wells Fargo Rejected Half Its Black Applicants in Mortgage Refinancing Boom" dated March 11, 2022, and marked as Exhibit 55 in the	pp. 1172-1186

	deposition of Saba Dossani.	
87	E-mail chain between Timothy Seagren and Deborah Knutson-Smith dated between December 9, 2021 and December 22, 2021, marked as Exhibit 87 in the deposition of Deborah Knutson-Smith with Bates labels WF-00152545 - WF-00152549.	pp. 1187-1192
96	E-mail chain between Timothy Seagren, Tom Goyda, and Deborah Knudson-Smith dated between March 12, 2022, and March 13, 2022, marked as Exhibit 96 in the deposition of Deborah Knutson-Smith with Bates labels WF-00151470 - WF-00151479.	pp. 1193-1203
97	E-mail chain between Deborah Knutson-Smith, Saba Dossani, and Timothy Seagren on March 14, 2022, marked as Exhibit 97 in the deposition of Deborah Knutson-Smith	pp. 1204-1222
258	Wells Fargo slide deck re Home Lending Originations Risk Engine(s) Ecosystem marked as Exhibit 258 in the deposition of John Keller with Bates labels WF-00010469.	pp. 1223-1234
261	Wells Fargo slide deck titled “Risk Engine/GRD Overview” dated as of November 2020, and marked as Exhibit 261 in the deposition of John Keller with Bates labels WF-00010680.	pp. 1235-1248
410	Wells Fargo’s slide deck titled “Fair Lending Analyses of Wells Fargo Home Mortgage (WFHM)” prepared February 18, 2022, by Mary Dee LeMaire and Joel Brodsky, and marked as Exhibit 410 in the deposition of Joel Brodsky with Bates labels WF-00035341 - WF-00035377.	pp. 1249-1286
411	[REDACTED]	pp. 1287-1381
529	Plaintiff Gia Gray’s Responses and Objections to Wells Fargo Bank, N.A.’s Interrogatories, Set No 1, marked as Exhibit 529 in the deposition of Alyssa Bentz.	pp. 1382-1553
549	Wells Fargo’s “Wells Fargo Home Equity Credit Decision Monitoring, Quantitative model type: Fair Lending, authored by Jeff Snow, marked as Exhibit 549 in the deposition of Paul Macomber with Bates labels WF-00151085 - WF-00151154.	pp. 1554-1624
668	Rebuttal Expert Report of Dr. Carlyn Irwin marked as Exhibit 668 in the deposition of Dr. Carlyn Irwin.	pp. 1625-1715

1	686	[REDACTED]	pp. 1716-1742
2	706	[REDACTED]	pp. 1743-1792
3	708	[REDACTED]	pp. 1793-1933
4	709	[REDACTED]	pp. 1934-2014
5	WF-00030816- WF-00030828	[REDACTED]	pp. 2015-2028
6	WF-00035281	[REDACTED]	pp. 2029-2057
7	WF-00076207	[REDACTED]	pp. 2058-2085
8	WF-00076304	Wells Fargo's document titled "HL Government Orig. Custom ECS Score" created on December 16, 2016 and updated on August 16, 2021.	pp. 2086-2183
9	WF-00142657	[REDACTED]	pp. 2184-2198
10	WF-00142688	[REDACTED]	pp. 2199-2216
11	WF-00151861	[REDACTED]	pp. 2217-2228
12	WF-04942195- WF-04942203	[REDACTED]	pp. 2229-2238
13	BROWN0000112- BROWN0000113	Email from Wells Fargo Applications to Bryan Brown.	pp. 2239-2241
14	A	Excerpt of Deposition Transcript of Bryan Martinez (August 10, 2023)	pp. 2242-2246
15	B	Excerpts of Deposition Transcript of Peter Strawser (August 25, 2023)	pp. 2247-2261
16	C	Excerpts of Deposition Transcript of Agus Sudjianto	pp. 2262-2286

	(September 25, 2023)	
D	Excerpts of Deposition Transcript of Saba Dossani (October 5 2023)	pp. 2287-2292
E	Excerpts of Deposition Transcript of Bryan Brown (October 10, 2023)	pp. 2293-2297
F	Excerpts of Deposition Transcript of Deborah Knutson-Smith (October 19, 2023)	pp. 2298-2315
G	Excerpt of Deposition Transcript of Phillip Figone (October 26, 2023)	pp. 2316-2320
H	Excerpts of Deposition Transcript of Ifeoma Ebo (October 27, 2023)	pp. 2321-2328
I	Excerpts of Deposition Transcript of Elretha Perkins (October 30, 2023)	pp. 2329-2337
J	Excerpts of Deposition Transcript of Aaron Braxton (November 11, 2023)	pp. 2338-2344
K	Excerpts of Deposition Transcript of Eric Brooks (November 14, 2023)	pp. 2345-2368
L	Excerpts of Deposition Transcript of John Keller (November 14, 2023)	pp. 2369-2388
M	Excerpts of Deposition Transcript of Paul Martin (November 21, 2023)	pp. 2389-2392
N	Excerpts of Deposition Transcript of Gia Gray (December 1, 2023)	pp. 2393-2399
O	Excerpts of Deposition Transcript of Terah Kuykendall-Montoya (January 25, 2024)	pp. 2400-2406
P	Excerpts of Deposition Transcript of Christopher Williams (January 31, 2024)	pp. 2407-2413
Q	Excerpt of Deposition Transcript of Chuck Bishop (January 31, 2024)	pp. 2414-2419
R	Excerpts of Deposition Transcript of Joel Brodsky (February 6, 2024)	pp. 2420-2450
S	Excerpt of Deposition Transcript of Kristy Fercho (February 6, 2024)	pp. 2451-2454
T	Excerpts of Deposition Transcript of Timothy Seagren (February 15, 2024)	pp. 2455-2462
U	Excerpt of Deposition Transcript of Jeffrey Snow (February 28, 2024)	pp. 2463-2469
V	Excerpts of Deposition Transcript of Dr. Leana Golubchik (March 27, 2024)	pp. 2470-2476
W	Excerpts of Deposition Transcript of Carlyn Irwin (April	pp. 2477-2488

1	5, 2024)	
2	X Excerpts of Deposition Transcript of Dr. Amanda Kurzendoerfer (April 9, 2024)	pp. 2489-2501
3	Y Excerpts of Deposition Transcript of Marsha J. Courchane (April 10, 2024)	pp. 2502-2528
4	Z Wells Fargo's Objections and Responses to Gia Gray's Special Interrogatories, Set Three	pp. 2529-2537
5	WF-03837493 [REDACTED]	pp. 2538-2549

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed this 25th day of April, 2024, at Los Angeles, California.

/s/ Dennis S. Ellis
Dennis S. Ellis